

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN P. CHARTERS, individually and
on behalf of all others similarly situated,

Plaintiff,

V.

JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.),

Defendant.

Civil Action No.
07-11371-NMG

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

Pursuant to Fed. R. Civ. P. 23, Plaintiff John P. Charters (“Charters”) respectfully moves this Court for an Order (i) certifying this action as a class action, (ii) certifying a Class consisting of all trustees of all “employee benefit plans” under ERISA, 29 U.S.C. § 1002(1), that owned variable annuity contracts from Defendant, and (iii) approving John P. Charters as Class Representative. In support thereof, Plaintiff submits the attached Memorandum of Law, the Declaration of Seth R. Klein, and Exhibits 1-24 attached to the Declaration of Seth R. Klein.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Plaintiff respectfully submits that oral argument may assist the Court and requests to be heard on this matter.

Dated: November 14, 2008

Respectfully Submitted,

/s/ Thomas G. Shapiro

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Attorneys for Plaintiff/Third-Party

Defendant John P. Charters

LOCAL RULE 37.1(b) CERTIFICATION

I hereby certify that the provisions of local Rule 37.1(a) have been complied with. On November 12, 2008 I conferred with James O. Fleckner, counsel for Defendant, in good faith to determine whether the issues presented in this Motion could be resolved or narrowed prior to filing. Counsel were unable to resolve or narrow the issues.

/s/ Robert A. Izard

Robert A. Izard

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 14, 2008.

s/Thomas G. Shapiro